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# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 9th meeting**
Held at Headquarters, New York, on Friday, 18 June 2004, at 10 a.m.

*Chairman*: Mr. Aisi ..... (Papua New Guinea)

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04-39504 (E)

*The meeting was called to order at 10.15 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Question of the Falkland Islands (Malvinas)**
(A/AC.109/2004/12 and A/AC.109/2004/L.8)

2. *At the invitation of the Chairman, the delegations of Argentina, Brazil, Guatemala, Paraguay, Peru, and Uruguay took places at the Committee table after they announced their desire to take part in the discussion of the question.*

*Hearing of representatives of the Non-Self-Governing Territory and petitioners*

3. *At the invitation of the Chairman, Mr. Edwards and Mr. Summers (Legislative Council of the Falkland Islands) took places at the petitioners' table.*

4. **Mr. Edwards** (Legislative Council of the Falkland Islands) said that, several weeks before, the United Nations Secretary General, in a letter to the participants of the Pacific Regional Seminar on Advancing the Decolonization Process, had reaffirmed his commitment to the decolonization of Non-Self-Governing Territories, including the Falkland Islands, and to the granting of independence to colonial countries and peoples.

5. The residents of the Falkland Islands were independent in many respects: they elected their own internal legislative council and Government, the economy of the Islands was growing rapidly, the standard of living among the populace was quite high, and the Islands had well-established education and health-care systems. The only two areas that were controlled by the British Government were foreign policy and defence.

6. A strong defence was necessary for the residents of the Falkland Islands because a neighbouring country had taken an aggressive stance against the Islands for many years. Given that the recollections of that aggression were still alive in Islands' memory, they did not wish to maintain any political, cultural, or trade relations with that country. The United Kingdom of Great Britain and Northern Ireland, by intervening in the hostilities in 1982, had only strengthened its ties with the Falkland Islands, which had laid a solid economic base for building a future life.

7. The creation in 1986 of a fishing and nature-conservancy zone around the Falkland Islands made it possible to increase revenues to the territory's budget by licensing foreign fishing vessels and collecting fees for goods in transit. The Falkland Islands' leadership was well aware of the fragility of that ecosystem and spared no effort or expense to protect it or manage it efficiently. The development of that economic sector provided the impetus for the development of farming, the diversification of tourism, and the development of rural businesses, and, as a result, the Falkland Islands, enjoying the support of the European Union, were able to sell their local products in new European markets.

8. With the development of tourism on the Islands came the development of the hospitality industry. Moreover, cruise ships began to visit the Islands more often, and, as a result of that, air service from countries of South America got a boost. Local companies formed joint ventures with foreign fishing companies, which was highly beneficial to them.

9. New schools were built on the Islands, and the quality of the education of the children was quite high by international standards. Thanks to the growing political, social, and economic stability, many young people who were acquiring specialties in areas such as medicine, veterinary medicine, engineering, jurisprudence, and accounting were returning to the Islands to work after finishing school, which represented a radical change in the trend that existed until 1982. Operating on the Islands was an airport that connected them with the United Kingdom and South America. The highway system was under intensive development, thanks to which new opportunities were emerging on the Islands for trade and commerce. The construction of a new hospital in 1986 gave the Islands excellent medical services, and patients in need of specialized treatment were taken by air to the United Kingdom or Chile. Thanks to the new economic opportunities on the Islands, television, telephone and fax communications, and the Internet were also expanding. The pay scale, pension levels, and family-benefits levels were now comparable to those of Western Europe, which was enabling the Falkland Islands to invite skilled doctors and teachers from civilized countries.

10. The speaker also felt it necessary to note that geological exploration for oil was still under way near the Islands, although commercial reserves of oil were yet to be found.

11. After the 1982 conflict, the United Kingdom and Argentina were able to essentially normalize their relations, temporarily halting discussion of the question of Falkland Islands sovereignty. Argentina's then-minister for foreign affairs began what was, as it turned out, an unsuccessful campaign to win the hearts and minds of the inhabitants of the Islands. After the last change of Government in Argentina, that country's relations with the Islands became much more strained. The aim of the Government of President Kirchner was to do as much damage as possible to the economy of the Islands, and it attempted to interrupt almost every aspect of the Islands' development. Argentina imposed a ban, for example, on charter flights from South America through its airspace, in an attempt to do harm to the cruise ship business. As for fishing, despite talks that had been held for a number of years on fisheries conservation in the south-western Atlantic, Argentina violated all the principles of nature conservancy, allowing its fishing vessels to work the open seas for purposes of depleting the fish stocks in the territorial waters of the Falkland Islands. Fortunately, they were unsuccessful, but that once again pointed to Argentina's destructive stance with regard to the Islands.

12. The history of the Falkland Islands spanned more than 170 years, during which time the people had formed their own unique culture and institutions and had become independent in the full sense of the word. All spheres of economic activity, except defence, had developed on the basis of the principle of self-sufficiency since 1990. The people of the Falkland Islands felt that their relations with Great Britain in foreign affairs were based on consultations and dialogue, whereas their relations in the area of defence were based on the principle of partnership.

13. The speaker said that the inhabitants of the Falkland Islands would like Argentina to recognize their desire to live in peace on the basis of good-neighbourliness. Argentina should at least recognize that self-government existed on the Islands, since the current Argentine Government preferred to hold talks regarding the Islands through only the Government of the United Kingdom, which was not at all conducive to political progress in the relations between the two countries.

14. The speaker said that the purpose of his address to the Special Committee was to remind it that the residents of the Falkland Islands wished to exercise their legal right to pursue their own political ambitions and choice of sovereign status, i.e., the right to self-determination. The resolution before the Committee proposed supporting a change of sovereignty. Since the residents of the Falkland Islands would not want to lose their British sovereign status, he urged the delegates not to adopt the resolution until it took into account the lawful wishes of the residents of the Falkland Islands and their right to determine their own future.

15. **Mr. Summers** (member of the Legislative Council of the Falkland Islands) was confident that the Special Committee would work to achieve real progress in the context of the Second International Decade for the Eradication of Colonialism. With regard to the Falkland Islands, such progress was possible, and it could be achieved within the competence of the Special Committee.

16. Recalling the message from the Secretary General to the participants of the 2003 Anguilla seminar, in which the Secretary General noted that Non-Self-Governing Territories could attain full self-government by means free association, integration with other States, or independence, he said that his territory was not a colony. Its people were not a colonial people, and the Government of the United Kingdom did not treat them as such. The international community must show no tolerance for those who continued to make territorial claims while ignoring the wishes of the people of the territories that were the focus of such disputes. The people of the Falkland Islands for many years had been implementing strategies for the political, economic, and social development of their territory and, en route to self-determination, had been strengthening the mechanisms for internal self-government.

17. The Falkland Islands were essentially governed by a democratically elected Government. They had a modern constitution that ensured the comprehensive protection of human rights and freedoms. In time, amendments geared to ensuring that Falklanders would continue to have effective political institutions, an

independent judiciary, and proper State services would be inserted in its text.

18. The Falkland Islands maintained superb working relations with the United Kingdom that were conducive to the forward-moving political development of the territory. An important stage in that process was the adoption in 1999 of the document titled "Partnership for Progress and Prosperity between the United Kingdom and its Overseas Territories". The Government of the United Kingdom controlled the affairs of the Falkland Islands in only the areas of foreign policy and defence, which was largely due to the actions of Argentina.

19. After the 1982 Falkland Islands war, significant changes in the situation in the Islands had come about. Thanks to investment in the development of infrastructure and the advent of new economic opportunities associated with deep-sea fishing and tourism, the best qualities of the Falklanders had emerged with new force. The benefits of economic self-sufficiency and efficient management of finances became apparent.

20. Falklanders lived in a peaceful, well-regulated community that was free of corruption and prejudice and in which material benefits were equitably distributed among all the residents. Contrary to some assertions by the mass media, the people of the Falkland Islands were not filthy rich; more important, however, they were not poor, oppressed, or exploited. Migrant workers, primarily from the island of Saint Helena and from Chile, enjoyed the same economic opportunities and privileges as did the permanent residents.

21. There were no movements seeking independence or a change in political status in the Falkland Islands. The people of the Islands felt that the best option for them was to preserve the current relations with the United Kingdom. All the members of the current and previous Legislative Councils had been elected with the understanding that they would stand for preserving the current status of relations with the United Kingdom and, accordingly, the European Union. Each of them promised in his election campaign to not make concessions to Argentina on sovereignty, although the members of the Council were willing to cooperate in various areas of mutual interest, particularly in the area of protecting the natural environment and fish stocks. That position won in every election by dint of the free and democratic expression of the will of the residents of the Falkland Islands, which was also the exercise of their rights to self-determination.

22. The Government of Argentina had stated that the only way to resolve the "dispute" over the Falkland Islands was to take into account the interests of the Islands' people. The speaker pointed out that that referred not to the wishes or ambitions of the people, but to their interests, and it did not propose that the Falklanders themselves determine what constituted their interests. Argentina's minister for foreign affairs had declared more than once that the views of the people of the Falkland Islands were "irrelevant". Such a stance was in defiance of the basic goal of the Special Committee, which consisted in supporting the rights and ambitions of peoples of Non-Self-Governing Territories, which the people of the Falkland Islands were.

23. Argentina was actively trying to undermine self-government in the Falkland Islands, attempting to prevent the Falklanders from participating in the work of international bodies and in trade fairs. That was clearly at variance with the concept of supporting internal self-government. The speaker felt that any attempt to replace internal self-government and free, democratic expression of will with control by a foreign power must be rebuffed by the Committee. He urged the Special Committee to consider the consequences of adopting a resolution that did not even make mention of the fundamental concepts that the Special Committee had been called upon to protect, namely, internal self-government and self-determination.

24. The speaker warned the members of the Special Committee that the other party to the territorial dispute would refer to the notion that the principle of self-determination did not apply to the Falkland Islands, because the principle of territorial integrity should take precedence. In light of that, he reminded the members that in keeping with conceptual framework for the United Nations, decolonization could not be brought about by implementing the principle of territorial integrity. Moreover, from his point of view, the concept of territorial integrity could not be applied to the Falkland Islands, which were geographically, geologically, culturally, linguistically, and historically different from Argentina.

25. The guiding principle for the United Kingdom, Argentina, and the Special Committee should be the

principle of self-determination for the people of the Falkland Islands. Argentina's assertions that the people of the Falkland Islands were not a separate people were untenable to the same extent that assertions that Uruguayans, Brazilians, Argentinians, Chileans, and many other South American peoples consisting mainly of immigrants from Europe or Africa were not separate peoples were at odds with the truth. There were a good many Falkland Islands families that went back as many as eight generations in the Falklands. The speaker suggested that Argentina accept reality and show proper respect for the Charter of the United Nations, the activities of the Special Committee, and the wishes of the people of the Falkland Islands.

26. The speaker enumerated the measures taken by the Argentine Government that he regarded as unfriendly and irresponsible, particularly the large-scale fishing of the waters at the edge of the exclusive economic zone of the Falkland Islands, the banning of over flights by Chilean commercial airliners that serviced the cruise ships that visited the Islands, and the dispatch of naval vessels to engage in hostile acts against foreign fishing vessels that had proper permits to fish the waters of the Falkland Islands. The purpose of such measures consisted in forcing the Governments of the Falkland Islands and the United Kingdom to negotiate sovereignty, but the Falklanders would not have it. There could be no negotiations of any sort on sovereignty, because negotiations would imply a willingness to change or concede, which did not exist in the Falkland Islands.

27. In light of that, he felt, any resolution that contained a call for a negotiated solution to the Falkland/Malvinas question should not be adopted by the Special Committee, because the residents of the Falkland Islands did not want that. He asked the Special Committee to afford the Falkland Islands the same kind of protection and support in the development of internal self-government that was being given to other Non-Self-Governing Territories, and by that he was alluding to the content of the draft resolutions before the Special Committee for other Non-Self-Governing Territories controlled by the United Kingdom and the United States. He urged the Special Committee to take into account the desire of the people of the Falkland Islands to maintain partnership ties with the United Kingdom and recommended that the concept of the right of all peoples to self-determination be included as the basic premise in all subsequent resolutions on the Falkland Islands.

28. **Mr. Requeilo Gual** (Cuba) said that the preceding speaker's address indicated that he had only a very general idea of the work of the Special Committee. Some of the points he made were unfounded by virtue of the fact that he was so poorly informed. Specifically, he was not even familiar with the content of the resolutions on the question that had been adopted by the Special Committee from year to year and that constituted the basis of its work.

29. *Mr. Edwards and Mr. Summers withdrew.*

30. *At the invitation of the Chairman, Mr. Betts took a place at the petitioners' table.*

31. **Mr. Betts** said that the sovereignty dispute over the Malvinas Islands (Falklands) was, without question, colonial. He was referring to the seizure and occupation of a portion of Argentina's territory by an aggressor State, the United Kingdom. The United Kingdom had had possession of the Islands since 1833, but as everyone knew, possession was not a synonym for sovereignty. Argentina had never agreed to give the Malvinas Islands (Falklands) over to the United Kingdom, and so the question was that of one State's illegal colonization of the territory of another State. Since the Special Committee dealt with questions of decolonization, this question was within its competence.

32. The British petitioners who had spoken at the current session of the Special Committee had referred to the principle of the self-determination of peoples, saying that it was the central issue in the dispute over the Islands. The speaker did not agree with that opinion, because, before 1833, the actual sovereignty of Argentina, which had been inherited from Spain, extended to the Malvinas Islands (Falklands), and the Islands were not an unoccupied territory that could be the object of lawful colonization by foreign powers. Nor could the principle of self-determination be applied in the current context, because, over the span of the illegal British colonization of the Islands, their Argentinian population had been expelled by the United Kingdom and was replaced by British colonists. Since that time, citizens of Argentina were not allowed to freely settle on the Islands or own land there. Late last year, the Government of Argentina proposed that the United Kingdom begin negotiations to restore regular, direct air service between the mainland of

Argentina and the Malvinas Islands (Falklands), which would include Argentine airlines. Such services were important to the economic development of the Islands, and he was not sure that, in that regard, the residents of the Islands shared the opinion of the United Kingdom authorities. The time had come to restore commercial ties and mutually beneficial relations between the territory and the rest of Argentina, the possibility for which had been opened by the Bilateral Communications Agreement of 1971, which was drawn up in accordance with recommendations contained in the 16 December 1965 General Assembly resolution 2065 (XX).

33. Exceptionally strict limitations had been imposed this year on the squid catch in the waters around the Islands, which served as the basis for continuing the practice of unilateral sales of fishing licenses on the Islands and was resulting in further depletion of the fishery stocks of squid. The Argentine authorities had expressed concern over the problem and continued to control fishing in that area by exercising their sovereign rights.

34. Over the past two decades, the Government of the United Kingdom had said numerous times that the question of the sovereignty over the Malvinas Islands (Falklands) could not be a matter of negotiation. The speaker urged the Special Committee to adopt measures to see to it that the United Kingdom reconsidered its categorical refusal to resolve the dispute via civilized bilateral negotiations, as had been recommended in the United Nations resolutions on the question. Argentina's demand that it be able to exercise its lawful sovereign rights was supported by prevailing international law.

35. *Mr. Betts withdrew.*

36. *At the invitation of the Chairman, Ms. Vernet took a place at the petitioners' table.*

37. **Ms. Vernet** said that she was a descendant of Don Luis Vernet, who in 1829 was named by the Argentine Government as military and political governor of the Maldives [sic] and remained as such until 1832. Don Luis Vernet helped to consolidate Argentina's sovereignty over the Maldives [sic]. His efforts and actions were practical and strategic – he felt it important that close ties be maintained with the continent through the development of communications in the interests of the development of the Islands. He believed deeply in the economic possibilities of the Maldives [sic] and tried to convince national and international financial and economic circles of that, as well as the Government in Buenos Aires. In 1823, he obtained permission to settle on the Islands in order to run a fishery and raise cattle commercially. He was also granted land to set up a farm for raising merino sheep. All that indicated the interest held by the authorities in Buenos Aires in projects that called for the creation of permanent population centres both on island and continental part of the south of the country.

38. The speaker stressed that the concessions granted to Don Luis Vernet at the time drew no objections whatsoever from either the United Kingdom or any other State.

39. In 1824, the first expedition organized by Vernet arrived in the Maldives [sic], and after that, he freely spent his own money to acquire ships, to pay for manpower and insurance, and to acquire agricultural and other inventory to expand his business in the Malvinas archipelago and on Isla de los Estados.

40. In his actions, Governor Vernet was guided by more than his own personal interests. Extensive documentation indicated that he sent the Government numerous reports on the enormous economic potential of the archipelago and on the results of his expedition. He was convinced of the benefits of establishing permanent population centres, and, in that connection, he asked that vacant land be placed at his disposal on the islands of Soledad and Isla de los Estados. In his messages, Don Luis Vernet urged the Government to consolidate its jurisdiction over those islands by increasing the populations, establishing borders, and creating new fishing ports. After Luis Vernet's request for the concessions was granted, he certified the documents confirming his right to possession with a notary and, given the presence in the region of a large number of English ships, with the British vice-consul in Buenos Aires. The speaker stressed that the representative of the United Kingdom did not object to either the administrative actions taken or the issuance of the above-indicated documents confirming the right of ownership, thereby acknowledging the sovereign rights of Argentina to the islands.

41. Later, the Government in Buenos Aires, having encouraged Vernet's activities, gave Puerto Soledad the status of administrative centre of the Malvinas Islands in order to consolidate the legality on the islands. Over a two-year period, the population of the archipelago

grew to 100 people living in well-built homes, enjoying the fruits of their labour, and engaged in commercial activities. All of the above pointed to the fact that the Argentinians who had come to the islands had obtained the concession for the use of those lands entirely lawfully from the Government in Buenos Aires, under whose jurisdiction that territory was located.

42. In conclusion, the speaker said that, as a citizen of Argentina and a member of a family whose history was closely tied to the history of the Maldives [sic], she was convinced of Argentina's right to the Maldives [sic], which was based on the international norms that existed when the sovereignty dispute arose and that was confirmed by the Inter-American Juridical Committee. Based on that, the speaker asked the Special Committee to call for a constructive dialogue between the United Kingdom and Argentina for resolving the sovereignty dispute between them and to foster that dialogue in every way possible.

43. *Ms. Vernet withdrew.*

44. **Mr. Muñoz** (Chile), speaking also on behalf of Bolivia, Venezuela, and Cuba, introduced the draft resolution on the question of the Falkland Islands (Malvinas) (A/AC.109/2004/L.8) and said that the draft reflected the United Nations doctrine on that question.

45. Chile wholly supported the draft, expressing regret at the same time that, despite the many earlier-adopted UN resolutions and the numerous appeals of the international community, the problem had yet to be resolved. The presence of a considerable number of representatives from Latin American countries pointed to the elevated interest that the countries of the region had in the matter. Chile supported Argentina's rights in the dispute over the sovereignty over the Malvinas Islands and felt that the only path for resolving the dispute ran through bilateral negotiations between Argentina and the United Kingdom.

46. The perpetuation of colonial situations in the beginning of the twenty-first century was an anachronism that should be ended. Chile urged the parties to the dispute to resume negotiations as soon as possible with an eye to doing that. Along with other sponsors of the draft, Chile hoped that the draft would be adopted by consensus.

47. **Mr. Bielsa** (Minister of Foreign Affairs, International Trade, and Worship of Argentina) recalled that in 1833, the armed forces of the United Kingdom expelled the representatives of the Argentinian governing bodies and inhabitants from the Malvinas Islands, laying the foundation for the illegal occupation of the Islands and creating a colonial situation unlike any other. The bases for the United Nations approach to the question of the Malvinas Islands were laid in General Assembly resolution 2065 (XX), in which the General Assembly noted the existence of a dispute concerning sovereignty over the Malvinas Islands and acknowledged that the parties in that dispute were, exclusively, the Governments of Argentina and the United Kingdom, that the question would have to be settled through negotiations between both Governments, and that both parties seeking resolution of the question would have to take the interests of the inhabitants of the Malvinas Islands into account, given the inapplicability in that case of the principle of self-determination. In connection with that, the speaker recalled that, in 1985, the General Assembly took a clear position in that vein, rejecting the amendments proposed by the United Kingdom that aimed at including the principle of self-determination in the relevant draft resolution.

48. The speaker then recalled that paragraph 6 of the 14 December 1960 General Assembly resolution 1514 (XV) said that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". Given the violation of the sovereignty and territorial integrity of Argentina in the nineteenth century, the principle of the preservation of territorial integrity would have to take precedence over the principle of self-determination in the resolution of the dispute over the Malvinas Islands. The speaker felt it necessary to take into account that, after seizing the Malvinas Islands, the United Kingdom drove the Argentinian population from the Islands and populated the Islands with immigrants from the United Kingdom. That was why giving the population of today's inhabitants the right to self-determination would amount to investing them with the functions of arbiters in a territorial dispute to which the country that settled them on the Islands was a party. Thus, the colonial power would be validating its own seizure of the Malvinas Islands. That would be at odds with the United Nations interpretation of the principle of self-determination, which pertained to people under foreign dominion.

49. Argentina had never recognized the actions of the United Kingdom as legal and had always demanded the return of the Islands. The lengthy maintenance itself of a situation that came about in the nineteenth century did not create any rights whatsoever for the occupying Power.

50. The speaker said that the position that he had outlined enjoyed the support of all the Argentinian people. The question of the restoration of sovereignty over the Islands was of profound concern to the Argentinian people, which was reflected in the national constitution of 1994. The president of Argentina, speaking at the opening session of the National Congress in 2004, said that the restoration of sovereignty over the Malvinas Islands was a national goal and an integral part of State policy.

51. The Special Committee was aware of the Government of Argentina's unwavering commitment to achieving a just, peaceful, and final solution to the problem. Unfortunately, the United Kingdom was continuing to ignore the calls of the international community for a speedy resumption of negotiations on the matter of sovereignty.

52. The speaker then said that, since 1989, both countries had reached provisional understandings under the sovereignty formula on practical aspects of the South Atlantic. But those understandings did not signify the acceptance by Argentina of the status quo in the region and would not be a substitute for a final solution to the dispute. The Government of Argentina regarded as inadmissible the unilateral actions of the United Kingdom in the disputed areas, which were in violation of the provisions of the 1 December 1976 General Assembly resolution 31/49, which called upon the parties to refrain from introducing unilateral modifications in the situation while the islands were going through the process of decolonization. The United Kingdom had failed to respect the terms of that resolution and was not complying with the terms of the understandings with Argentina, which rejected the attempts of the United Kingdom to exercise its jurisdiction over the disputed areas. The speaker cited numerous examples of such attempts by the United Kingdom, including fisheries police activities in the South Atlantic, seismic hydrocarbon surveying, countermeasures to prevent direct contacts and communications with the Malvinas Islands, the recent upgrading of the British naval base in the Malvinas Islands, and attempts to send illegal representatives of the Malvinas Islands to international organizations. In that connection, the speak reiterated his appeal to the United Kingdom to comply with the provisions of General Assembly resolution 31/49 and refrain from unilateral modifications of the situation.

53. The Government of Argentina was absolutely willing to cooperate with the Government of the United Kingdom to reach other provisional understandings under the sovereignty formula, on an equal and mutually beneficial basis, with an eye to creating conditions favourable to the resumption of the sovereignty negotiations. The Government of Argentina had proposed resuming regular flights of Argentine airlines to the Malvinas Islands, as well as resuming maritime service. The inhabitants of Patagonia would like to resume traditional trade between Patagonia and the Malvinas Islands and were proposing placing an airplane and hospital at the disposal of the inhabitants of the Malvinas for emergency medical care. In turn, Argentina was absolutely willing to respect the lifestyle of the populace of the Islands and look after their well-being.

54. In conclusion, the speaker reaffirmed the willingness of his Government to resume sovereignty negotiations and strongly urged the United Kingdom to respond to the many appeals of the international community contained in the resolutions of the General Assembly and the Special Committee.

55. **Mr. Sardenberg** (Brazil), speaking on behalf of the Rio Group, said that the Group continued to support the activities of the Special Committee to eradicate colonialism on the basis of the principles enunciated in the Declaration on the Granting of Independence to Colonial Countries and Peoples.

56. Although progress had undoubtedly been made between the 1960s and the present in achieving that goal, it was also apparent that the work was not yet completed and that further efforts by the international community were necessary, as a result of which the Second International Decade for the Eradication of Colonialism had been declared. The Plan of Action for the Second International Decade contained an appeal to complete the process of decolonizing Non-Self-Governing Territories – by means of exercising the right to self-determination or through consultations and negotiations between concerned States to solve heretofore unresolved problems.

57. It was in that spirit of reconciliation that the question of the Malvinas Islands should also be resolved, in connection with which it was necessary to settle the sovereignty dispute, as indicated in the 14 December 1973 resolutions 2065 (XX) and 3160 (XXVIII), as well as in other General Assembly resolutions. Given that, the countries of the Rio Group felt it necessary that the Governments of Argentina and the United Kingdom resume negotiations in order to find as quickly as possible a peaceful, just, and final solution to the dispute involving the sovereignty over the Malvinas Islands, South Georgia, and the South Sandwich Islands, in accordance with the General Assembly and Special Committee resolutions.

58. Speaking as a representative of his own country, the speaker said that Brazil would like to again support the rights of Argentina in the above-mentioned sovereignty dispute. Brazil hoped that, thanks to the spirit of cooperation that had come about in recent years between Argentina and the United Kingdom, the dispute involving sovereignty over those archipelagos and the surrounding waters would be resolved through negotiations, which the United Nations and the countries of South America had called for many times.

59. In June 2004, the Organization of American States adopted the Declaration on the Question of the Malvinas Islands, in which it reiterated the need to begin negotiations as soon as possible, to resolve the protracted sovereignty dispute between Argentina and the United Kingdom. In addition, the Declaration on the Question of the Malvinas Islands, which was adopted at the tenth session of the presidents of the countries of the Southern Common Market (MERCOSUR), said that the MERCOSUR member States again declared their support for the lawful rights of Argentina in the dispute involving sovereignty over the Malvinas Islands and pointed out that a speedy resolution of that protracted dispute on the basis of United Nations and Organization of American States resolutions would serve the interests of the entire region.

60. Moreover, an August-September 2000 meeting of the presidents of the countries of South America in Brazil noted that the Malvinas Islands continued to be a colony, which was incompatible with the ideals of peace, security, and cooperation on the subcontinent, and called for a speedy resumption of the negotiations to find a peaceful, final solution to the sovereignty dispute.

61. Brazil welcomed the improvements noted in the working paper prepared by the Secretariat (A/AC.109/2004/12), but regretted that the General Assembly resolutions on the need for comprehensive negotiations over the Malvinas Islands had still not been implemented. Given that, it firmly supported the draft resolution submitted by Bolivia, Venezuela, Cuba, and Chile and hoped that it would be adopted without a vote.

62. **Ms. de Claverol** (Paraguay), speaking on behalf of member countries of MERCOSUR and the associated States of Bolivia, Peru, and Chile, said that the question under discussion had been on the agenda of the Special Committee for Decolonization since the 1960s and that the Committee and the General Assembly had declared many times that at the core of the problem of the special colonial status of the Malvinas Islands was the sovereignty dispute, which had to be settled via negotiations between Argentina and the United Kingdom.

63. Every year at the Committee's sessions, Argentina stated its willingness to begin the negotiations the United Nations had been asking for. The countries of South America had declared time and again that settlement of the question of the Malvinas Islands would serve the interests of the entire region and that the involved countries should resolve that dispute by means of diplomatic negotiation, which had also been reaffirmed recently by the General Assembly of the Organization of American States.

64. The member States of MERCOSUR unconditionally supported the rights of Argentina in the dispute involving sovereignty over the Malvinas Islands, as confirmed by the statements of the presidents of those countries. The fact that the representatives of the MERCOSUR countries and associated States were present at the current session was additional proof of that support.

65. Despite the numerous calls of the international community for a final resolution of that dispute and the willingness of Argentina to respond to the requests of the United Nations, the Organization of American States, and other organizations, the question, unfortunately, was still unresolved. Despite the lack of success, the MERCOSUR countries felt it necessary that the international community appeal to the parties to resolve this colonial problem that still existed in the South Atlantic. In that connection, the MERCOSUR

countries and associated States supported the draft resolution submitted by the Chilean delegation together with other Latin American countries and hoped that it would be adopted by consensus.

66. **Mr. Paolillo** (Uruguay), citing the words of Argentina's minister of foreign affairs to the effect that the Malvinas Islands would return to the sovereignty of Argentina, even if that took "400 years of patience", said that patience was one of the most pragmatic virtues and was an extremely important element in the peaceful resolution of many international conflicts. One of the most remarkable examples was the restoration of the territorial integrity of Poland after the first world war, after 125 years of separation and occupation by neighbouring Powers. The United Kingdom at that time played a decisive role in returning Poland its territory. Thus, history yielded not only instructive examples, but also examples of contradictory behaviour.

67. In the matter of the Malvinas Islands, both the people and the Governments of all of Latin America who regarded the existing situation as an anomaly that should be ended were showing patience. The anomalous situation was the result of a violation of the territorial integrity of Argentina, and afterwards the principle of the free self-determination of peoples was cited groundlessly to justify it. According to the erroneous, historically unprecedented interpretation of that principle, the inhabitants of the Malvinas Islands were being given the right to live under the sovereignty of one State in a territory belonging to another State.

68. The Special Committee had been showing patience, appealing to the parties year after year with the customary calls to resume a constructive dialogue as soon as possible. And despite the fact that one of the parties was unwilling to join the process of peaceful resolution, both parties had reached agreement on a whole array of questions that were of mutual interest, specifically in the areas of fishing, transportation, and communications. Of particular interest to Uruguay was the fact that Argentina and the United Kingdom had found common ground on the need to draft a multilateral treaty to ensure the sustainability of fish stocks in the south-western Atlantic.

69. In addition, the annual sessions and appeals of the Special Committee were preventing the absence of negotiations from being interpreted as a consolidation of the status quo or as proof that the conflict was over. But the conflict still existed, and Uruguay would demand its resolution until the Malvinas Islands were returned to the sovereignty of the country to which it rightfully belonged.

70. **Mr. de Rivero** (Peru) endorsed the statements made by the Brazilian delegation on behalf of the Rio Group and by Paraguay on behalf of the member countries of MERCOSUR and associated States.

71. Peru was unwavering in its support of the efforts of the United Nations to eradicate colonialism, acknowledging the inalienable right of people to determine their own future as envisioned by the Charter and relevant resolutions of the General Assembly. The decolonization process was one of the principal achievements of the UN, but it was still unfinished, which was why the UN had announced a Second International Decade for the Eradication of Colonialism. Peru had time and again defended the right of people to choose their own political order and economic, social, and cultural progress, which was one of the fundamental principles of international law and the United Nations.

72. However, unlike with most other Non-Self-Governing Territories, the path to the solution of the question of the Malvinas Islands lay in the resolution of the sovereignty dispute. Peru felt that such a resolution would have to be based on recognition of the legal rights of Argentina to sovereignty over the Malvinas Islands, South Georgia, and the South Sandwich Islands, to include the adjacent maritime areas. The speaker felt it necessary that the parties resume negotiations in order to find a peaceful and final solution to the dispute as soon as possible, which was addressed in the draft resolution now before the Committee.

73. The speaker recalled that during the 1982 conflict, Peru made numerous suggestions geared to engaging the two parties in a dialogue. Today, it was in favour of a just and peaceful solution of the question of the Malvinas Islands in all its aspects, in connection with which unrestricted, thorough negotiations between Argentina and the United Kingdom were important. In that context, Peru acknowledged the obligations assumed in a special communiqué on the Malvinas Islands at the Ibero-American Summit in 2003 and the declaration adopted by the Organization of American States in 2004 on that question.

74. **Mr. Xie** (China) said that the consistent position of China on the matter was that territorial disputes between countries should be resolved through peaceful negotiations. China hoped that, in the spirit of the Charter and in keeping with relevant resolutions of the General Assembly and the Special Committee on Decolonization, Argentina and the United Kingdom would continue their constructive dialogue and would reach a just and peaceful resolution of the problem. Based on that, China was in favour of the adoption of the draft resolution introduced.

75. **Mr. Mekdad** (Syrian Arab Republic) noted Argentina's intention to resolve the question of the Falkland Islands (Malvinas) peacefully, supported the draft resolution introduced, and felt that its adoption by consensus would make it possible to reaffirm the role of the international community in the solution of the problem. His country was confident that resumption of dialogue and contacts between Argentina and the United Kingdom would help to find a proper solution to the problem of the sovereignty over the Islands that would be acceptable to both parties.

76. **Mr. Jenie** (Indonesia) said that his delegation was deeply concerned that the question of the Falkland Islands (Malvinas) remained unresolved despite the efforts of the international community to help the parties to solve the problem. The decolonization process was evolving in accordance with the principle of the self-determination of dependent peoples, and at the same time the Special Committee had acknowledged that there were no universal criteria that were applicable in all situations. General Assembly resolutions 2065 (XX) and 3160 (XXVIII) recognized the special nature of the problem and the presence of a dispute over the sovereignty over those islands between Argentina and the United Kingdom that could be resolved solely on the basis of dialogue and negotiations.

77. Indonesia hoped that the negotiations would be resumed in accordance with the terms of the General Assembly resolutions, which would result in a just, peaceful, and final solution of the problem. Indonesia also hoped that the Committee would be able to adopt the draft resolution by consensus.

78. **Ms. Santana** (Venezuela) said that the position of her country was reflected in the address that Brazil made on behalf of the Rio Group. Apart from that, Venezuela had traditionally been a sponsor of the draft resolution on the question, which indicated its firm belief that a dialogue between the parties was the best option for finding a peaceful solution to the dispute. Venezuela felt that, given the current dynamics in the bilateral relations between Argentina and the United Kingdom, the necessary and sufficient conditions for resolution of the dispute were in place, and it urged both parties to continue the process in the spirit of cooperation and mutual understanding. The work of the Special Committee on Decolonization, the good offices of the Secretary General, and the statements made on the question at various regional and international forums pointed to the immense interest the international community had in quickly finding a long-term, peaceful solution to the problem on the basis of negotiations. The delegation of Venezuela hoped that the draft resolution would be adopted without a vote.

79. **Mr. Aranibar Quiroga** (Bolivia), in supporting the draft resolution introduced, endorsed the statements made by Brazil on behalf of the Rio Group and by Paraguay on behalf of the member countries of MERCOSUR and drew attention to the statement made on the question of the Malvinas Islands at the 13th Ibero-Americana Summit, in Santa Cruz. That statement reaffirmed the need for the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible to find a solution to the dispute in accordance with the resolutions of the United Nations and the principles of its Charter, including the principle of territorial integrity. Bolivia was convinced of the need for such negotiations.

80. **Mr. Stanislaus** (Grenada) said that the two parties to the dispute – Argentina and the United Kingdom – must create an environment that would be conducive to the people of the Falkland Islands (Malvinas) deciding their own destiny. That would happen only when Argentina and the United Kingdom sat down to good-faith, open-minded negotiations based on new thinking aimed at cutting through the Gordian knot that bound the factors of history, sovereignty, and self-determination. The great philosopher and thinker Aristotle defined politics as the debate by free people regarding the best ways to govern themselves. The speaker felt that the people of the Falkland Islands, although they were not yet free in the full sense of the word, should be given the opportunity to find the shortest route to determining the nature of their future relations with Argentina and the United Kingdom. His delegation recommended that

the United Kingdom and Argentina continue to focus their attention on what could serve as a uniting principle, specifically, communication technologies, the conservation and augmentation of fish stocks, the delimitation of the continental shelf, geological prospecting, etc., in the interests of the inhabitants of the Islands.

81. **Mr. Requeilo Gual** (Cuba) said that the presence of the Argentinian minister of foreign affairs at the meeting indicated the great importance attached by the Government of that country to the problem under discussion, as well as its clear desire to find a solution by means of negotiation. The considerable number of Latin American delegations present at the meeting evidenced their support of the legitimate rights of Argentina in the dispute involving the question of sovereignty. Cuba felt it necessary to resume as quickly as possible serious negotiations that would bring about a lasting, satisfactory, and peaceful resolution of the dispute.

82. **Mr. Okio** (Congo) said that his delegation subscribed to the opinion voiced by the delegations that had spoken earlier and that felt that the only route to a resolution of the dispute involving sovereignty over the Falkland Islands (Malvinas) was through direct, bilateral negotiations between Argentina and the United Kingdom. He urged both countries to resume the negotiation process in order to achieve a just, lasting, and peaceful resolution of the perennial conflict.

83. **Mr. Kabtani** (Tunisia) was pleased that the Special Committee had often managed to achieve a consensus in its work, particularly with regard to the question of the Malvinas Islands. Tunisia had always displayed a willingness to support a consensus regarding the need to achieve resolution through negotiations. In that connection, Tunisia supported the resumption of negotiations between the Governments of Argentina and the United Kingdom aimed at achieving a peaceful, just, and lasting solution to the problem.

84. **Mr. Davies** (Sierra Leone) reaffirmed the position of his delegation, which consisted in supporting peaceful resolution of the problem through negotiation. Peaceful resolution would be impossible without dialogue or the commitment of all parties concerned to that end. For that reason, he urged all parties to begin a dialogue to achieve a final solution to the problem. He felt that the desires and interests of the island inhabitants should be acknowledged to be of paramount importance. No solution that did not reflect the will of the inhabitants of the Islands would be a lasting solution. His delegation held that the right of the inhabitants of the Islands to self-determination was reaffirmed in paragraph 2 of article 1 of the Charter of the United Nations, as well as paragraph 4 of the United Nations Millennium Declaration.

85. **Mr. Kau** (Fiji) said that his delegation supported the principle of self-determination based on the opinions of all the interested parties and the wishes of the populace. That principle was consolidated in chapter XI of the United Nations Charter. He thought that the draft resolution before the Special Committee reflected all the most important points. Nonetheless, he felt that the time would come when the Special Committee would also need to take into account the wishes of the inhabitants of the Islands. He did not regard the suggestion to heed the voices of all the parties interested in resolving the question as being incompatible with the principles of the Charter and urged the Special Committee, acting in accordance with the Charter, to not close its eyes to the remaining issues, which he compared to the Sword of Damocles. The money that the parties were spending on defence could be better used to implement important economic and social projects.

86. **Mr. Rudakov** (Russian Federation) hoped that the Special Committee would adopt the draft resolution on the question of the Falkland Islands (Malvinas) by consensus. The Russian Federation understood the need for a mutually acceptable solution to the question of the Falkland Islands (Malvinas) that would be based on bilateral British-Argentine negotiations and would conform to decisions and resolutions of the General Assembly of the United Nations.

87. **Mr. Zinnia** (Ethiopia) pointed out that his delegation consistently adhered to the point of view that the question of the Falkland Islands (Malvinas) must be resolved through negotiations between the interested parties that took into account the interests of the inhabitants of the Islands.

88. **The Chairman** drew attention to draft resolution A/AC.109/2004/L.8 and proposed that it be adopted without a vote.

89. *Draft resolution A/AC.109/2004/L.8 was adopted without a vote.*

90. **The Chairman** announced that the Special Committee had concluded its consideration of the item.

91. **Mr. Bielsa** (Minister of Foreign Affairs, International Trade, and Worship of Argentina) said that the position taken by the countries of the region reaffirmed the belief in the strategic course of Argentina toward integration in the matter, indicating that the brotherhood of nations was not limited to words only.

*The meeting rose at 12:35 p.m.*

United Nations A/AC.109/2004/SR.10

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# Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

**Summary record of the 10th meeting**
Held at Headquarters, New York, on Monday, 21 June 2004, at 10 a.m.

*Chairman*: Mr. Aisi ..... (Papua New Guinea)

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04-39640 (E)

*The meeting was called to order at 10.20 a.m.*

**Adoption of the agenda**

1. *The agenda was adopted.*

**Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations** (A/AC.109/2004/L.12)

2. **The Chairman** drew the Committee's attention to the report of the Secretary-General (A/59/64), the report presented by the specialized agencies and other bodies of the United Nations system on the activities that they developed in implementing the Declaration (E/2004), and draft resolution A/AC.109/2004/L.12.

*Hearing of a representative of a non-self-governing territory*

3. **The Chairman**, with the Committee's agreement, gave the floor to Mr. Corbin, who spoke on behalf of the Government of the United States Virgin Islands.

4. **Mr. Corbin** (Minister of State of the United States Virgin Islands) said that his Government continued to consider action undertaken in coordination with the specialized agencies as one of the Special Committee's most important outputs.

5. Every year the Special Committee considered the agenda item without hardly any discussion and, on the last day of session, adopted almost exactly the same text. The text was then voted upon by the Fourth Committee of the General Assembly and the Economic and Social Council (ECOSOC), with a significant number of developed countries abstaining. Based on an examination of explanations of position provided after the voting, there was hope that the draft resolution would be adopted by consensus, and efforts should be made to that end. A number of abstaining countries were donor countries that provided assistance in the framework of regional development programmes, and the adoption of the draft by consensus would make the participation of the Territories in such programmes more likely.

6. The speaker welcomed the fact that in the current year the draft resolution included for the first time a reference to the positive role played by the Economic Commission for Latin America and the Caribbean (ECLAC) and the Economic and Social Commission for Asia and the Pacific (ESCAP) in providing assistance to the Non-Self-Governing Territories. The role of regional commissions was critical to assistance aimed at the regional integration of such territories and to their closer linkage with the United Nations system. In that connection, he noted that in April 2004 his own Territory had been elected to chair one of ECLAC's most important subsidiary bodies, the Caribbean Development and Cooperation Committee (CDCC), and urged the Special Committee to make its work more effective by developing official relations with ECLAC and ESCAP, especially in the area of information on economic and social development and in relation to management issues.

7. One of the most interesting aspects of the work of the regional commissions was the participation of Territories in various United Nations conferences and other international meetings. Such participation helped the Territories to manage their own economic, social and political development. ECLAC would soon make public the conclusions of a review of legislative mandates in the Territories located in Latin America and the Caribbean and the level and scale of participation of those Territories in world conferences organized by the United Nations. The speaker would make those findings available to the members of the Committee.

8. The draft resolution on the specialized agencies made reference to the significant role played by other United Nations bodies, and in particular the United Nations Development Programme (UNDP), which continued to be crucial to the coordination of assistance provided to the Territories by the United Nations system. The speaker was pleased that, in the omnibus resolution already adopted at the current session, the Special Committee had retained language requesting UNDP to provide for the participation of the United States Virgin Islands in its regional programmes. The Special Committee could provide the United States Virgin Islands with direct support in that matter by encouraging the competent units of the Secretariat to communicate with UNDP with regard to the implementation of that request.

9. The speaker, however, was puzzled by the deletion, from the omnibus resolution, of the request for participation of the United States Virgin Islands in the United Nations Organization for Education, Science and Culture (UNESCO) programme on

archival and document management. Participation of his Territory in that programme would permit to significantly strengthen ongoing bilateral cooperation with Denmark, which in 1999 had begun to work with the United States Virgin Islands on the preservation and repatriation of archives and works of art exported to Denmark in the wake of Danish colonial rule. The Special Committee could assist by requesting the competent units of the Secretariat to communicate with UNESCO regarding that matter and inserting an appropriate reference in the omnibus resolution of the Fourth Committee.

10. Matters addressed in United Nations budgetary committees had significant bearing on the process of decolonization of territories. The budget of the Department of Political Affairs (DPA) for the 2004-2005 biennium, for instance, included an activity concerning assistance provided by the specialized agencies and the institutions associated with the United Nations to the peoples of Non-Self-Governing Territories. Evidently, however, DPA provided no coordination in that area. Such activities were coordinated by UNDP and by ECOSOC bodies, such as regional commissions. In many cases, the Territories were obliged to ensure themselves the follow-up of measures taken. It was puzzling that such activities were listed each year as part of DPA's mandate. That description was inaccurate and gave a distorted picture of the distribution of responsibilities.

*Adoption of the draft resolution*

11. **The Chairman** said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/AC.109/2004/L.12 without a vote.

12. *Draft resolution A/AC.109/2004/L.12 was adopted without a vote.*

13. **Mr. Mekdad** (Syrian Arab Republic) welcomed the adoption of the draft resolution by consensus and wished that the text would also be adopted by consensus by the Fourth Committee and by the General Assembly in plenary.

14. Nevertheless, some objectives had not been attained. There needed to be a dialogue with the delegations of the countries that had expressed reservations concerning the draft adopted by consensus, in order to ensure that the reservations were withdrawn. Moreover, that dialogue should be based on the admission by those countries of the principle that specialized agencies and international institutions associated with the United Nations must participate in cooperation for the implementation of the Declaration. Initiatives undertaken by other parties could be useful in that regard.

15. **The Chairman** announced that the Special Committee had completed the consideration of the agenda item.

**Draft report on the work of the Pacific Regional Seminar** (A/AC.109/2004/CRP.1)

16. **The Chairman** drew attention to the draft report on the work of the Pacific Regional Seminar, contained in document A/AC.109/2004/CRP.1.

17. **Mr. Ovia** (Papua New Guinea) pointed out that some names in the report had been misspelled and should be corrected.

18. **The Chairman** said that the report would in its final form include the statement of the Rapporteur. He proposed to the Special Committee to approve the report of the Pacific Ocean Regional Seminar and include it in the report of the Special Committee to the General Assembly as an annex.

19. *The draft report was approved.*

20. **Mr. Mekdad** (Syrian Arab Republic) welcomed the fact that the report on the work of the seminar held in Papua New Guinea addressed all of the matters that had been of interest to the participants.

21. **The Chairman** announced that the Special Committee had completed the consideration of the agenda item.

**Other matters**

22. **Mr. Ovia** (Papua New Guinea) expressed hope that the seminar scheduled to take place in 2005 could be held in Bermuda or another Non-Self-Governing Territory in the Caribbean. Such evidence of the effectiveness of the work of the Special Committee on Decolonization would be appropriate in view of the approaching midpoint of the Decade.

*The meeting rose at 10.50 a.m.*